

1  
2  
3  
4  
5  
6  
7           UNITED STATES DISTRICT COURT FOR THE  
8           WESTERN DISTRICT OF WASHINGTON  
9           AT SEATTLE

10 UNITED STATES OF AMERICA,  
11                                 Plaintiff,  
12                                 v.  
13 DAQUAN CARLOS RODRIGUEZ,  
14                                 Defendant.

NO. CR23-096-JNW

[PROPOSED]

**PRELIMINARY  
ORDER OF FORFEITURE**

15  
16       THIS MATTER comes before the Court on the United States' Motion for  
17 Preliminary Order of Forfeiture (the "Motion") seeking to forfeit, to the United States,  
18 Defendant Daquan Carlos Rodriguez's interest in the following property:

- 19           a. One Springfield Hellcat 9mm pistol and any associated ammunition; and  
20           b. One Taurus PT1111 G2 9mm pistol and any associated ammunition.

21       The Court, having reviewed the United States' Motion, as well as the other papers  
22 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of  
23 Forfeiture is appropriate because:

- 24           • On September 21, 2023, Defendant pleaded guilty to *Possession of a*  
25           *Controlled Substance with Intent to Distribute*, the lesser-included offense  
26           charged in Count 1 of the Indictment, in violation of 21 U.S.C.  
27           §§ 841(a)(1), (b)(1)(C), and *Carrying a Firearm During and in Relation to*

1           a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i), as  
 2 charged in Count 2. Dkt. Nos. 9, 29.

- 3           • In his Plea Agreement, Defendant agreed to forfeit his interest in any  
 4 property that facilitated or constituted proceeds of his commission of  
 5 *Possession of a Controlled Substance with Intent to Distribute* (lesser-  
 6 included offense of Count 1), pursuant to 21 U.S.C. § 853, including the  
 7 above-identified property. Dkt. No. 29, ¶ 12.
- 8           • In his Plea Agreement, Defendant agreed to forfeit his interest in any  
 9 firearms and associated ammunition involved in his commission of  
 10 *Carrying a Firearm During and in Relation to a Drug Trafficking Crime*  
 11 (Count 2), pursuant to 18 U.S.C. § 924(d), by way of 28 U.S.C. § 2461(c),  
 12 including the above-identified property. *Id.*
- 13           • The above-identified property is forfeitable pursuant to 21 U.S.C. § 853 as  
 14 property that facilitated, or constitutes proceeds of, Defendant's  
 15 commission of *Possession of a Controlled Substance with Intent to*  
 16 *Distribute*.
- 17           • The above-identified property is forfeitable pursuant to 18 U.S.C. § 924(d),  
 18 by way of 28 U.S.C. § 2461(c), as property that was involved in  
 19 Defendant's commission of *Carrying a Firearm During and in Relation to*  
 20 *a Drug Trafficking Crime*.

21           NOW, THEREFORE, THE COURT ORDERS:

- 22           1) Pursuant to 21 U.S.C. § 853, and 18 U.S.C. § 924(d), by way of 28 U.S.C.  
 23 § 2461(c), and his Plea Agreement, Defendant's interest in the above-identified property  
 24 is fully and finally forfeited, in its entirety, to the United States;
- 25           2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) – (B), this Preliminary Order  
 26 will be final as to Defendant at the time he is sentenced, it will be made part of the  
 27 sentence, and it will be included in the judgment;

1           3)     The United States Department of Justice, the Federal Bureau of  
 2 Investigation (FBI), and/or their authorized agents or representatives, shall maintain the  
 3 property in their custody and control until further order of this Court;

4           4)     Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
 5 United States shall publish notice of this Preliminary Order and its intent to dispose of the  
 6 property as permitted by governing law. The notice shall be posted on an official  
 7 government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For  
 8 any person known to have alleged an interest in this property, the United States shall, to  
 9 the extent possible, provide direct written notice to that person. The notice shall state that  
 10 any person, other than Defendant, who has or claims a legal interest in the property must  
 11 file a petition with the Court within sixty (60) days of the first day of publication of the  
 12 notice (which is thirty (30) days from the last day of publication), or within thirty (30)  
 13 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
 14 interested persons that the petition:

- 15               a. shall be for a hearing to adjudicate the validity of the petitioner's  
 16                   alleged interest in the property;
- 17               b. shall be signed by the petitioner under penalty of perjury; and,
- 18               c. shall set forth the nature and extent of the petitioner's right, title, or  
 19                   interest in the property, as well as any facts supporting the petitioner's  
 20                   claim and the specific relief sought.

21           5)     If no third-party petition is filed within the allowable time period, the  
 22 United States shall have clear title to the property, and this Preliminary Order shall  
 23 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

24           6)     If a third-party petition is filed, upon a showing that discovery is necessary  
 25 to resolve factual issues it presents, discovery may be conducted in accordance with the  
 26 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
 27 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,

1 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
2 adjudication; and,

3           7) The Court will retain jurisdiction for the purpose of enforcing this  
4 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of  
5 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
6 Fed. R. Crim. P. 32.2(e).

7

## 8 IT IS SO ORDERED.

9

DATED this 9th day of November, 2023.

11



12

---

Jamal N. Whitehead  
United States District Judge

14

### Presented by:

15

*s/Karyn S. Johnson*

17

KARYN S. JOHNSON  
Assistant United States Attorney  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, WA 98101  
Phone: 206-553-2462  
Fax: 206-553-6934  
[Karyn.S.Johnson@usdoj.gov](mailto:Karyn.S.Johnson@usdoj.gov)

18

10

2

20

21

—

22

22

25

24

25

25

26

27